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EXAMINER
ABDUL-ALI, OMAR R

ART UNIT	PAPER NUMBER
2178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,698

Applicant(s)

MOODY ET AL.

Examiner

Omar Abdul-Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/01/2007 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The following action is in response to the remarks filed May 12, 2007. Amended Claims 1-32 are pending and have been considered below.

1. Examiner's Note: The amendments to the Specification and Fig. 23 overcome the objections. The objections have been withdrawn.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 32 remains rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A carrier wave is a form of energy, and does not fall within one of the four categories of patent eligible subject matter recited in 35 U.S.C. 101 (process, machine, manufacture, or composition of matter).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 3, 5, 7, 11, 13, 15, 17, 21, 23, 25, 27, 31, and 32 remain rejected under 35 U.S.C. 102(e) as being anticipated by Kaminsky et al. (US 2005/0055405).

Claims 1, 11, 21, 31, and 32: Kaminsky discloses a method, system, and computer program product for managing status information for instant messaging users comprising:

- a. obtaining an online status of a remote computer system user (page 3, paragraph 46);
- b. presenting an indication of said online status of said remote computer system user (page 3, paragraph 46);
- c. obtaining an updated status message associated with said remote computer system user (page 4, paragraph 55);
- d. modifying indication of said online status of said remote computer system user to include an indication that said updated status message is available, wherein said modifying does not present said updated status message (page 4, paragraph 48).

Claims 3, 13, and 23: Kaminsky discloses a method, system, and computer program product for managing status information for instant messaging users as in Claims 1, 11, and 21 above, further comprising:

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a. presenting updated status message [distracted, temporarily distracted, I am distracted at the moment, but I'll reply to messages soon] to a local user in response to local user selecting said representation of remote user (page 4, paragraph 50).

Claims 5, 15, and 25: Kaminsky discloses a method, system, and computer program product for managing status information for instant messaging users as in Claims 1, 11, and 21 above, further comprising:

a. representation of remote computer system is maintained by awareness client application process on said local computer system (page 2, paragraph 25).

Claims 7, 17, and 27: Kaminsky discloses a method, system, and computer program product for managing status information for instant messaging users as in Claims 1, 11, and 21 above, further comprising:

a. online status includes and indication of whether remote user is available for an IM session (page 4, paragraph 47).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 2, 6, 12, 16, 22, and 26 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminsky et al. (US 2005/0055405) in view of Kontny et al. (US 2004/0183829).

Claims 2, 12, and 22: Kaminsky discloses a method, system, and computer program product for managing status information for instant messaging users as in Claims 1, 11, and 21 above, but does not explicitly disclose presenting an updated status message to the local user of said local system in response to hovering the cursor over the representation of the remote user. Kontny discloses a similar system for a dynamic collaboration assistant that further discloses hovering over a respective contact in the instant message buddy list using a mouse generates a GUI that contains contact information. This information may incorporate current availability (page 5, paragraph 47). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a hovering function to display status information of a remote user. One would have been motivated to present a status message of a remote user by using a hovering function for quick access of profile information.

Claims 6, 16, and 26: Kaminsky discloses a method, system, and computer program product for managing status information for instant messaging users as in Claims 1, 11, and 21 above. Kontny discloses a similar system for a dynamic collaboration assistant that further discloses the representation of said remote computer system user is displayed in a messenger service application and a web server application (page 3,

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paragraphs 27 and 34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that a user may be represented in another application process other than the original awareness client process in Kaminsky. One would have been motivated to display the representation of a user in another awareness application process in order to keep track of other users who may not be using the original awareness application, but are logged into an email application that allows instant messaging.

7. Claims 4, 8, 14, 18, 24, and 28 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminsky et al. (US 2005/0055405).

Claims 4, 14, and 24: Kaminsky discloses a method, system, and computer program product for managing status information for instant messaging users as in Claims 1, 11, and 21 above, further comprising presenting an updated status message to a local user of the local computer system (page 3, paragraph 46), but does not explicitly disclose removing the indication that said updated status message associated with said remote computer system user is available responsive to presenting of updated status.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to remove the indication of a new status message after presenting the new status message. It is common in email applications that new messages are represented with bold text and previously opened messages are not.

One would have been motivated to remove the indication of a new status message after

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presenting the new status message in order to allow the local user to determine when subsequent new status messages for the remote user are available.

Claims 8, 18, and 28: Kaminsky discloses a method, system, and computer program product for managing status information for instant messaging users as in Claims 1, 11, and 21 above, but does not explicitly disclose presenting said indication that said updated status message associated with said remote user is available for a predetermined time after obtaining said updated status message. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to present the indication of a new status message for a predetermined time. One would have been motivated to limit the time an indication of a new status message is available because after a number of hours, the status message may change and a new indication would need to be provided.

8. Claims 9, 10, 19, 20, 29, and 30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminsky et al. (US 2005/0055405) in view of Godefroid et al. (US 6,697,840).

Claims 9, 19, and 29: Kaminsky discloses a method, system, and computer program product for managing status information for instant messaging users as in Claims 1, 11, and 21 above, but does not explicitly disclose presenting an interface to the local user to indicate whether an indication of that an updated status message associated with said

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user is available is provided to others. Godefroid discloses a similar method and apparatus implementing presence awareness in collaborative systems, that further discloses that queries regarding the private data of a user, for example, whether the user is available, can be allowed or disallowed (column 6, lines 12-18). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify whether the updated status message in Kaminsky is allowed to be accessed by remote users. One would have been motivated to specify if a new status message is available for privacy purposes.

Claims 10, 20, and 30: Kaminsky discloses a method, system, and computer program product for managing status information for instant messaging users as in Claims 1, 11, and 21 above. Godefroid discloses a similar method and apparatus implementing presence awareness in collaborative systems, that further discloses presenting an interface to a local user that enables said user to specify one or more users with which access to private data [updated status message] is to be allowed or disallowed (column 6, lines 12-18). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify which users may be presented with an indication of a new status message. One would have been motivated to specify which users can view an indication of a new status message for privacy purposes.

Response to Arguments

9. Applicants' arguments filed on April 26, 2007 have been fully considered but they are not persuasive.

Claim 32: Applicants argue the rejection of claim 32 as being directed to non-statutory subject matter. In response to Applicant's argument, it is respectfully submitted that Claim 32 is not limited to tangible embodiments. In view of Applicant's disclosure, specification page 42, line 6, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., floppy disks and hard drives) and intangible embodiments (e.g. carrier wave signaling techniques). As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claims 1, 11, 21, 31, and 32: Applicants argue that "there is no teaching or disclosure by Kaminsky et al. regarding even the possibility of modifying an indication of a user's online status to include an indication that an updated status message is *available*, where that modification *does not include presenting the updated status message to the user.*"

In response to Applicant's argument, it is respectfully submitted that Kaminsky discloses the claimed limitation as applied above. Kaminsky discloses changing the appearance (i.e. color) of the icon for a user to indicate a new status message for the user (temporarily distracted) is available (page 4, paragraph 48). This updated color is

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not a presentation of the updated status message; it simply indicates that the user's status has been updated.

Claims 2, 6, 12, 16, 22, and 26: Applicants argue that the combined references Kontny et al. and Kaminsky et al. "fail to disclose or suggest creating an indication of the *availability* of a new status message that does not represent the updated status message itself, as in the present independent claims."

In response to Applicant's argument, it is respectfully submitted that Kaminsky discloses the current invention as claimed above. Kaminsky discloses changing the appearance (i.e. color) of the icon for a user to indicate a new status message for the user (temporarily distracted) is available (page 4, paragraph 48). This updated color is not a presentation of the updated status message; it simply indicates that the user's status has been updated. Examiner notes that Kaminsky exclusively discloses the limitations of independent Claims 1, 11, 21, 31, and 32 as discussed above, and the argument that the combination of the two references does not show the claimed invention is moot in view of the Kontny reference being relied upon strictly for dependent Claims 2, 6, 12, 16, 22, and 26.

Claims 9, 10, 19, 20, 29, and 30: Applicants argue that the combined references Godefroid et al. and Kaminsky et al. "fail to disclose or suggest creating an indication of the *availability* of a new status message that does not represent the updated status message itself, as in the present independent claims."

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In response to Applicant's argument, it is respectfully submitted that Kaminsky discloses the current invention as claimed above. Kaminsky discloses changing the appearance (i.e. color) of the icon for a user to indicate a new status message for the user (temporarily distracted) is available (page 4, paragraph 48). This updated color is not a presentation of the updated status message; it simply indicates that the user's status has been updated. Examiner notes that Kaminsky exclusively discloses the limitations of independent Claims 1, 11, 21, 31, and 32 as discussed above, and the argument that the combination of the two references does not show the claimed invention is moot in view of the Godefroid reference being relied upon strictly for dependent Claims 9, 10, 19, 20, 29, and 30.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

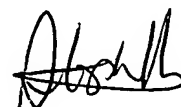
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
7/09/2007



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